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UNITED STATES OF AMERICA
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12 UNITED STATES DISTRICT COURT
13 FOR THE CENTRAL DISTRICT OF CALIFORNIA
14 WESTERN DIVISION

15 UNITED STATES OF AMERICA,
16 Plaintiff,
17 v.
18 ONE ANCIENT MOSAIC,
19 Defendant.

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22 MOHAMAD YASSIN ALCHARIHI,
23 Claimant.
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No. 2:18-CV-04420-JFW (SSx)

DECLARATION OF SPECIAL AGENT
ELIZABETH RIVAS IN SUPPORT OF
THE STIPULATED REQUEST FOR
ORDER STAYING THE CIVIL
FORFEITURE MATTER

[FILED UNDER SEAL PURSUANT TO
ORDER OF THE COURT DATED
DECEMBER 20, 2018]

DECLARATION OF SPECIAL AGENT ELIZABETH RIVAS

I, Elizabeth Rivas, declare as follows:

1. I am a Special Agent (“SA”) for the Federal Bureau of Investigation (“FBI”) and have served in that capacity for more than twenty one years. I am currently assigned to the FBI Los Angeles Office, Organized Crime Squad. I am also a member of the Art Crime Team of the FBI. On the Art Crime Team, my current responsibilities involve the investigation of art theft, art fraud, and other criminal violations related to the theft of cultural artifacts and antiquities. I have attended classes and courses conducted by the FBI and other agencies regarding art and antiquities theft and smuggling. As a result of my training and experience, I am familiar with how individuals involved in the theft of art and antiquities operate and the patterns generally utilized by these individuals. I have become well-versed in the methodology utilized by individuals involved in the trafficking of stolen art and other stolen property.

2. On May 23, 2018, Plaintiff United States of America (the “government”) filed a civil forfeiture action against the defendant One Ancient Mosaic (the “defendant mosaic”), alleging that the defendant mosaic is subject to forfeiture pursuant to 19 U.S.C. § 1595a(c)(1)(A). Thereafter, Claimant Mohamad Yassin Alcharihi (the “Claimant” or “Alcharihi”), filed a claim to the defendant mosaic and an answer to the complaint.

3. Alcharihi and others are currently being investigated for violations in the ongoing criminal investigation. The criminal investigation and the instant forfeiture proceedings arise out of the same general facts and will involve many of the same issues of fact and law.

4. The ongoing criminal investigation has been unique and time-consuming for a number of reasons. It has been extremely time consuming to review the voluminous data obtained from eleven digital devices and four email accounts associated with the Claimant that were searched pursuant to federal warrants. Many of the records

1 were in a foreign language and therefore needed to be translated. Agents are continuing
2 to review and organize the voluminous evidence in the ongoing criminal investigation.

3 5. In addition to reviewing voluminous amounts of digital evidence, agents
4 also conducted additional investigation to identify and locate the individuals that
5 Claimant was communicating with both in the United States and abroad.

6 6. Also, due to the unique nature of the defendant mosaic, it has been difficult
7 to identify experienced and qualified experts to evaluate the defendant mosaic. Agents
8 have made progress in this area and have recently met with an expert and appraiser.
9 Agents are in the process of scheduling an additional expert to evaluate the defendant
10 mosaic.

11 7. The government is evaluating potential criminal charges against Claimant
12 and is hopeful that it will be in a position to make a charging decision in early 2019.

13 8. Civil discovery and the filing of a motion for summary judgment will most
14 likely adversely affect the ability for the government to conduct the related criminal
15 investigation because it will subject the government's criminal investigation to early civil
16 discovery before an indictment is obtained and criminal trial takes place. In the civil
17 forfeiture matter, expert disclosures are due on December 27, 2018, the discovery cut-off
18 is February 21, 2019 and the last day to hear motions is March 4, 2019 which means a
19 motion would need to be filed on or before February 4, 2019.

20 9. In order for the government to present its evidence in support of a motion
21 for summary judgment, the government would be required to submit testimonial
22 declarations from law enforcement and other government witnesses, whose testimony
23 are central to the ongoing criminal investigation, creating risks of jeopardizing the
24 criminal investigation.

25 10. As noted in the civil forfeiture complaint, a number of witnesses and an
26 expert were not identified by name to protect their identities while the criminal
27 investigation is ongoing. The government has also not requested the unsealing of the
28 affidavit in support of the federal search and seizure warrant to protect the identities of

1 witnesses and other sensitive information contained in the affidavit before an indictment
2 is obtained and arrests are made. Both the government and claimant's witnesses'
3 depositions would also need to take place before February 21, 2019, exposing them to
4 cross examination before an indictment is obtained and a criminal trial takes place.
5 Disclosure of the government's witnesses in the civil matter may also cause Claimant
6 and others to intimidate the witnesses before they could testify in the criminal
7 proceedings.

8 I declare under penalty of perjury under the laws of the United States of America
9 that the foregoing is true and correct and that this declaration is executed in Los Angeles,
10 California, on December 18, 2018.

11 /s/ Elizabeth Rivas
12 ELIZABETH RIVAS
13 Special Agent
14 Federal Bureau of Investigation
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